

Leaflet

Public & Private Workers of Canada

Est. 1963



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Letter from the Editor:

This issue was supposed to represent the end of the road with Covid, but as you are all aware, this is not the case. We have done a lot of work and a lot of growth has occurred throughout this pandemic. We've been challenged in finding new ways to get things done, adapted to new routines and faced challenges head on. We're still evolving as new issues come to light but together we're getting things done.

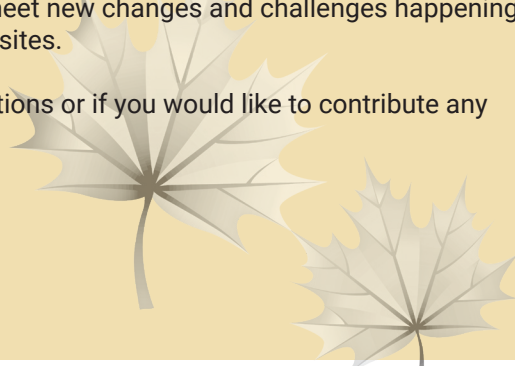
The floods that have followed the heat wave of summer have us all questioning what our future will look like. I feel for all of those affected by these occurrences but am thankful we live in a country like Canada where we can expect help when it is needed. People from all walks of life have stepped up to help those in need and I applaud those people and organizations that are making a big difference in peoples lives.

We hope you read the following pages with interest as the Leaflet reminds us of our fellow members and keeps us up to date on all things PPWC. Our Executive reports focus on adapting and reorganizing to meet new changes and challenges happening at a feverish pace. Our Locals reports present a view to what is happening on their sites.

As always, feel free to reach out to any of us should you have any comments/questions or if you would like to contribute any content. We'd love to hear from you.

In Solidarity,

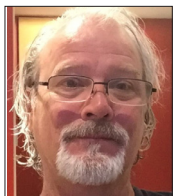
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PPWC National President



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Signed articles appearing in the Leaflet express the views and opinions of the authors. They do not form local or national policies or procedures. We welcome your feedback, opinions and inquiries.

The Leaflet attempts to give coverage to all locals, and pertinent material will be held for the future if the space is unavailable in the current issue.

THANK YOU's -DONATIONS

PPWC continues to donate and support local organizations. We have received the following thank you letters for our donations:

- The Greater Vancouver Food Bank
- Covenant House
- World Vision
- Union Gospel



WELCOME NEW MEMBERS



PPWC Welcomes Kootenay Boundary Regional Hospital to Local 1 and Rogers Lantic Sugars to PPWC Local 8

We are extremely pleased to welcome Kootenay Boundary Regional Hospital to PPWC Local 1 by a vote of 100 percent.

After close to a year long process and a 2.5 months Labour Board legal battle, we are extremely pleased to welcome Rogers Lantic Sugar's 150 members to PPWC Local 8 by a vote of 91.7 percent. There were 122 votes for joining PPWC and 11 against.

Join us in welcoming both Kootenay Boundary Regional Hospital and Rogers Lantic Sugars to the Public and Private Worker of Canada family.

IN MEMORY - JOHN FOLKERS

It is with great sadness we remember the loss of our union brother, John Folkers. Not only was John a strong union advocate who fought for workers rights on a daily basis, he was also a mentor, a friend, a husband and a father. He will be greatly missed.

The following message was written and delivered by our PPWC First Vice-President, Todd Smith, at John's service:

What constitutes a good man? Maybe human decency.

What constitutes a great man? I believe, passion.

In John, we lost a peer, a mentor, a union brother, a friend. John stood up for others, his sleepless nights, his constant and consistent loyalty to a fault.

John's mission was to help and defend people rights, humans rights... He fought for a fair world in which he absolutely believed.

You don't get much thanks for that type of work and stress. John fixed and cared about things that most nobody knew, he always fought with a ferocity that was humbling to who he defended and intimidating to the accuser.

He also wore the pain, frustration and loss when he couldn't help. He cared deeply about family, about people, he cared about you.

Our sympathies go out for Amy, John's boys and his family. The PPWC lost a great man, actually COVID stole.

John Folkers we grieve.



JOHN FOLKERS (1957-2021)

NATIONAL PRESIDENT



As I always seem to report, and this will be no different, it has been a busy many months since our last Leaflet. The weather, the office, Covid, forestry, bargaining, organizing, pension and benefits meetings, the CCU and CUSW conventions all took up mental capacity and time.

We had our first federally recognized “Truth and Reconciliation Day” on September 30th and I applaud the NEB’s support of recognizing this day for our staff. Further to this, November 8th was Indigenous Veterans Day and I hope you all had a chance to look at our social media post that details why we need to honour this day.

I want to take a moment to introduce you to Chantel Jones who started with us in October. She comes with a wealth of knowledge both from a union perspective but also from the management side. She has done work with not-for-profit organizations and is fitting into the office very well. Welcome Chantel!

I further want to give a warm welcome to the newest members to the PPWC Rogers Lantic Sugar. On Wednesday November 17th the Labour Board finally tallied the ballots cast in relation to our drive to liberate the workers at Rogers Sugar. Special thanks go out to the organizing committee, their hard work, dedication, and perseverance finally paid off in a landslide victory for workers rights to choose who represents them. The final vote results being 91.2% of the workers eligible to vote, voting 91.7% in favour of joining the PPWC. We will now work tirelessly to ensure a smooth transition in Pension and Health & Welfare benefits takes place.

With the sudden passing of our Brother John Folkers in early June, we found ourselves having to step up our game and help Local 5. There were a few active negotiations that both Todd Smith, Rod Gallant and their wage delegates masterfully concluded. The Local has restructured itself and has really worked together to ensure that the membership of the Local

are looked after. Thanks to Chad Young and Ken Mackenzie for their dedication and hard work.

Well, here we go again with uncertainty in our forestry industry. With the recently reported proposals of government in relation to Old Growth deferrals, Bill 28 and tenure reform, worker transition support programs, First Nations consultation, fires, caribou habitat conservation and you can see much is in the air right now.

First the old growth deferral process was announced. We can say what we want about how the process evolved but one thing is certain and we have been speaking to the end of old growth logging since the late 90’s, so it should be no surprise we are here now. Unfortunately, we the workers and the communities we live in will share an unfair portion of the burden, much the same as the past can attest. The government will be offering another round of transition to retirement incentives as well as training and short-term employment opportunities will be offered up. This deferral process will take a few years to shake out and not all areas referenced in the 2.6 million hectares will be off limits. First Nations will decide for themselves. The issue with that is the overlapping land claims that many Nations have claimed and potential conflicts of interest.

The NDP have introduced legislation entitled the Forest Amendment Act, 2021. This act will ensure tenure transformation with the doubling of tenure for First Nations as well granting access to timber for small to mid size producers. This tenure will come from the big tenure holders who will be compensated for our wood. Part of this tenure will go direct to the Nations; rural communities will get some access and the rest will be held by the government for BC Timber sales auctions.

*...I'd
like to look
back at all
the good we
have done
together.*

A new auditing system will be introduced with the aims of increased accountability of log exporters to pay their share of the fee in lieu of domestic manufacturing. This will not address the log export issue, rather it will ensure we get paid correctly. This is not near enough of a disincentive and exports will continue to leave this province while we lose more jobs.

Over the next few years, we will be facing much uncertainty. My hope is that we find stability in one form or another so as to ensure the long-term survival of a lot of our livelihoods.

I have been asked by the Minister of Labour, Harry Bains to be a part of a panel looking at the successor laws at the Labour Board for the upcoming tenure transfers. Traditionally there was no successor rights and unions were shut out of the process. Vince Ready and Amanda Rogers are going to chair the commission.

In late September Greg Ball and I attended the Kootenay TSA Collaboration meeting. The group has worked hard getting its recommendations to government and await their approval.

At the last NEB we said we would sign on to a letter to the Premier in relation to four asks by the BC Pulp and Paper Coalition. These asks include; renewal of FEBC funding of economical pulp wood, logging waste recovery, commercial thinning, and salvaging fire damaged wood. The letter that we signed onto was delivered to the Premier in mid October. We are still awaiting a meeting date with government.

Chuck LeBlanc, Kelly Johnson, Rod Gallant, Todd Smith and I attended the Canadian Union of Skilled Workers Convention in Port Elgin, Ontario. The event was held at the UNIFOR family training center and was a great venue for this.

CUSW puts on a great convention and although Covid did affect the participation, those in attendance were treated to a fine show of democracy in action. The union was in the process of flatlining the organization and over 50 resolutions inspired great debate. It was an honour to be a part of convention and I enjoyed seeing old friends and making new ones.

In late October I was privileged to represent the PPWC National at the Confederation of Canadian Unions Convention held in Victoria. It was a great event and I was more than ecstatic when asked to host (along with Rod Gallant and Cam Shiell) a day tour out in Port Renfrew or as those there can attest to, "Pour Rain-through". We went to the beach and visited Avatar Grove.

Everyone who attended was soaked at the end of the day but I never heard one complaint.

I too was privileged (pun intended) to chair the resolutions committee and spent a glorious afternoon and early evening going over the resolutions for eventual consideration on the convention floor.

There was as always, a good host of speakers including our good friend Jan Noster. Sergeant David Smith, an RCMP liaison officer, did a great job explaining his role liaising between labour and companies should there be work stoppages, lockouts or strikes. Gina Mackay is a Metis, feminist, labour activist who spoke of equity, equality and inclusion.

Kelly Johnson, Mike Belanger, Scarlett Farquhar and Leanne Shumka should be congratulated on a job well done putting this event together during the pandemic. There was a fitting tribute to Mike Belanger as he will no longer be a table officer with the CCU as he transitions to retirement. Mike spent many a year championing labour issues and cherish the times we worked together. I wish him and his wife Michelle many years of happy, healthy and productive retirement.

Kelly Johnson is the President for another term along with Mark Miller as Vice-President, Scarlett Farquhar as Treasurer and Dawn Burns as Secretary.

Much work is ongoing in relation to our upcoming Convention to be held April 4th-8th in Nanaimo. Local 8 is hosting this year and I look forward to being a part of such a great show of solidarity, inclusivity and respect.

There is much wrong with this world we are living in; we don't

have to look too hard to find it. However, there is still so much to be thankful for. As I near the end of my time as President, I'd like to look back on all the good work we have done together. It has been a privilege to represent you the hard working membership that make up the PPWC. I have been lucky to be able to do what I love and for that I am grateful. I wish the membership and your families well and hope you all have a good upcoming Christmas and New Years.

In Solidarity,
Gary Fiege, PPWC National President

TRUTH AND RECONCILIATION

ORANGE SHIRT DAY NATIONAL DAY FOR TRUTH AND RECONCILIATION

Every September 30th, people across Canada participate in recognizing National Day for Truth and Recognition by wearing an orange shirt to raise awareness about the history of the residential school system in Canada.

National Day of Truth and Recognition was designated by the Canadian government in 2021 in response to the Truth and Reconciliation Call to Action 80.

Orange Shirt Day is a legacy of the St. Joseph Residential School (1891-1981) commemoration project and reunion events. These events were designed to commemorate what was experienced at the residential schools, to witness and honour the healing journey of the survivors and their families and to commit to the ongoing process of reconciliation.



www.orangeshirtday.org

NATIONAL 1ST VICE-PRESIDENT

Dear Brothers and Sisters,

Well I thought that I'd be writing in this leaflet on how we are on our way of repair from Covid-19 but as it turns out what I am seeing is a world full of division surrounded by the reality of climate change. I guess we could say that the world has always had this division and something or someone only needed to flash it. Ironically, climate change is similar to Covid, it is largely ignored until it becomes flashed or flooded.

I guess for me, I have tried in myself to be the glass half full type always believing the solution will expose itself at the right moment. However, this time it is different and believing in something is not enough. I think right now we need to be patient and understanding of those who think differently than ourselves. We need to be sensitive to the mental stresses that the last two years has taken for some, or more likely, for many. We need to check in on our own mental and physical health and well-being.

The fact is yes; we need to seriously change things, but we also need to be allowed to celebrate life, love, happiness, dreams, and victories. This planet journey is still being written and sometimes like now, it's hard to write when the words read out about suffering, division and tragedy, but there is one word that in every language that is being held high in the face of such times is a word that stood in front of every dreamer, defender, warrior, and every person who never quit or gave up. The word is called hope.

So, I have hope that we can accept division enough that we can educate ourselves in order to have this one common goal. A greater good can only be achieved collectively. This is never without some blind faith, pain or suffering. I believe we will get through this, most likely battered and bruised but this is not the first time, nor it will be the last.

In Solidarity,

Todd Smith, PPWC National First Vice-President



NATIONAL 2ND VICE-PRESIDENT

Dear Brothers and Sisters,

Welcome to the winter edition of your Leaflet. It's been a horrible start to our winter. With storms and the newest weather language being thought of. I have always said living on the coast we have 5 definitions of rain here. Now we have 6 as what we had hit us was a 'Atmospheric River'. Who would have thought that? It was a horrible 48 hours of rain and the rivers already high with record amounts of rain not long before just made it worse. Putting families into terrible despair, animals stranded with not much hope of survival and the loss of the infrastructure that supports our movement around the province either destroyed or under water and mudslides.

I have heard many reasons and excuses from mismanaged forestry practices to brutal protections in place from previous flooding. All that yes should be looked at but what remains in place is what we are faced as a population going through this and what we can do to help get those people cut off from the world back to a semi normal life.

I was reading my last report and looking back on this year with all the accomplishments we have gone through. One item was the loss of a best friend and huge union activist, John Folkers. Losing him so quickly to the Covid-19 Delta variant virus was a devastating blow to us and the Union. John's tireless support for workers rights and his skill set has been a great loss to us all. It has been a terrible time for his family as well. He will not be forgotten.

This past year has been a roller coaster ride for all of us and one of the busiest times for us with new groups approaching our Union and joining us. We have bargained many contracts and memorable ones as well.

The Howe Sound Supervisors. Almost a 3-year journey.

The GTAP workers at the Federal RCMP building. A group that had gone 2 years without a contract and also changing Unions mid stream.

The North Island hospital workers that joined us up in Comox and Campbell River.

The final one for the year joining our Union, Lantic Rogers Sugar Manufacturing plant. A group of workers in the search of their right to fair representation and a democratic voice brought them to the PPWC.

Add that up with 3 more certified bargaining agreements at Local 8 and one more for Local 5 made for a very busy year for our National Office team.

With the world of Covid ever changing with more variants developing around the world it has been very difficult keeping up with all the constant changes.

Welcome all for joining the best Union I have ever been pleased to be a part of! Be safe and Happy Holidays.

In Solidarity,

Rod Gallant, PPWC National Second Vice-President



SECRETARY-TREASURER

Hello Brothers and Sisters,

I'm hoping that you and your families have been and continue to remain safe and healthy during this very prolonged pandemic.

It has been a fairly expensive year with all of the organizing drives, and joint labour agreement negotiations that have been occurring but the National Office is still in a very strong financial position.

I'd like to welcome all the new brothers and sisters to the PPWC and congratulate those of you that now have a first joint labour caucus.

In closing, I wish everyone Seasons Greetings and a Happy New Year!

In Solidarity,

Ryan Grier, PPWC Secretary-Treasurer



CONGRATULATIONS HOWE SOUND CHOLARSHIP

Public and Private Workers of Canada:

Howe Sound Secondary Scholarship Award:

This year's awarded recipient is: Briana Burke

We are proud to announce Briana Burke as this year's recipient of the Howe Sound Secondary Scholarship award. This year's award winner received \$1,250 towards her post-secondary education to pursue her desired career.



NEW INCLUSIVE PPWC LOGO SISTER & BROTHER'S



Check out our new PPWC logo design!

This inclusive logo highlights all of our membership as we are both our sisters and brothers keepers at PPWC.

Make sure to look for this new logo on our new 2022 calendars and apparel that will be coming soon!

ENVIRONMENTAL SUSTAINABILITY

Greetings Brothers and Sisters,

We have discussed the option of holding a forestry and environmental seminar. It has been advised to me to do this in the spring of 2022. We are anticipating that this seminar will be a two-day event. It will include speakers and a possible field trip or outing event of some sort. Planning will begin for an in-person seminar with a backup for a virtual.



On June 16th, I was privileged to attend the First Nations Forestry Councils Annual General Assembly. It was a great event put on in a general virtual format, topics discussed were indigenous forestry scholarship programs, forest strategies and many great speakers on success stories and struggles for First Nations in forestry. I feel there is an opportunity for the PPWC to help in supporting the First Nations Forestry Council as mentors by attending job fairs and seminars to

help explain positive things a career in forestry can have. Including highlighting the positive outcomes of being a union member can be.

Fairy Creek one year anniversary rally August 9th 2021

I have been approached numerous times to speak at various rallies in support of transitioning from old growth logging. For many of these events COVID-19 did not allow me to attend. I was finally able to attend on August 9th and spoke on transitioning out of old growth by bringing more value of second growth and through growth harvests, also to support First Nations initiatives in forestry. I feel the message I relayed was well received although it may not have fit their entire narrative. The event marked the one-year anniversary of civil disobedience against the government and logging companies holding old growth. It was well attended and had many good speakers and lots of information.

November 6th, 2021

I was approached by the Extinction Rebellion, they asked me to speak at their rally against log exports in denial. I was joined by two recent retirees from the PPWC, Arnie the former President and Local 8 member along with David Benjamin who is a former Local to Executive and Member.

I kept the speech short and to the point that PPWC has a long standing history opposing logging exports. The event was well attended and took place online. Following the event there was a water protest in Nanaimo surrounding a ship getting ready to load logs.

November 18th Rally

Notice was sent out to all Locals about a rally for forestry in Victoria on November 18th. The rally has since been postponed due to weather and roads being washed out. I will keep Locals informed as new developments take place for this rally. I feel it's important that the Public and Private Workers of Canada attend wherever they can to ensure our voices are not lost with other special interest groups.

There are numerous webinars that I have been attending lately and some have been hit or miss. If there is any events or topics the members would like me to attend please reach out or send me an email at enviro-sustainability@ppwc.ca.

In Solidarity,

Cam Shiell, PPWC Sustainability Officer

OCCUPATIONAL HEALTH & SAFETY

Greetings Brothers and Sisters,

On Friday September 17, 2021, I was in a meeting with the planning committee for Joint Safety Conference. It was decided with the future uncertainty of the ongoing Covid pandemic, it would be very irresponsible to hold the Joint Safety Conference with up to 300 people in attendance at this time.

If this conference was held and became a super spreader event, it would not look good for all of the safety groups attending. At this time we have decided to postpone, and the committee will meet in a couple months to decide on our next step. There will be a meeting with the Joint Safety Planning committee in the new year to decide if the Joint Safety Conference is going to be a go ahead in May or not depending upon availability and the pandemic.

On a positive note, I have been given the go ahead to plan the following training sessions; Joint Occupational Health and Safety Conference in May, Health and Welfare and Worksafe Advocate training for the members of the PPWC. These courses are being planned to be held in the new year. We should be able to do this since there will be less than 50 people in attendance.

As we move forward with planning, the training will be subject to change and to be held in compliance with any Public Health orders. Please ensure that your email addresses are up to date for all the committee members.

There will be an email sent out to all Locals that training will be happening in February 2022 so please watch out for the announcement in the new year!

In Solidarity,

Barry Touzan, PPWC Occupational Health & Safety



ORGANIZING, AN OVERVIEW

It was a dark and stormy night....

Many a story has started with this line, and this will be no different. It was early in December 2018 when I answered a call at the office. A call from Jimmy Gregor asking us to help them join a union. As these things often go, there was a catch. This group was Supervisors, Planners, Buyers, etcetera and no one in the province of British Columbia had ever successfully organized a group such as this.

After debating at our National Executive Board meeting, we were given the green light to try the impossible. So; on a dark and stormy afternoon, Lynn Lindeman and I travelled to Gibsons and met with Jimmy, Adam Gibson, Stephen Beale and Russell Cole. It was there that we strategized and planned our next moves.

Over the next few weeks, cards were signed. While this was going on, we worked with our lawyer Will Clements and Rob Logue to build a defensible group and strategize our moves to challenge the well-established case law. At the end of December, I went over to Gibsons again to meet our potential newest members. There was enthusiastic support at this meeting and I was overwhelmed by the rush to sign cards at the end. We now had more than enough cards and the application for certification was presented to the Labour Board.

As you may well have imagined, the company was less than enthusiastic about this certification application and immediately contested it. This led us down the path of a hearing. A process that was delayed at every deadline due to the company's legal team's inability to access information or put a case together to challenge us.

The hearing was stretched out over the next five months and saw testimony from many witnesses on both sides. Our people were told to tell the truth whether it hurt our case or not, while the company witnesses where, at best furtive and evasive in answering Wills excellent cross examination queries.

The Labour Board finally decided the case before them in our favour, however it was not until early December that we received the decision. This was immediately contested by the company's legal team. So off to the appeal process we went. There are only two ways to over turn a decision; one being a breach of the law, and the other a breach of process. This hearing was delayed many times yet again by the company, however, in August of 2020, we were ultimately victorious and the certification was ours. Legal precedence was set and we indeed made history!

The road ahead was now clear, we needed to build our agenda to help guide the upcoming negotiations. Over the month of October and early November our team built a comprehensive model of what our collective agreement should look like. Our scheduled agenda exchange was delayed due to Covid and we had to resort to a Zoom agenda exchange. As the pattern is unfolding, the company was completely unprepared for negotiations, they did not put an agenda together relying on the work we did.

Covid again interrupted our schedule and after much pushing by us to sit down and negotiate, the company finally agreed to a hybrid model of bargaining. The lead bargainers from both sides met at the Chateau Granville whilst the rest of our respective teams attended via Zoom. This was less than ideal, however, it did allow us to move forward. The pace was very slow to begin with, as we had to bring the company along with us and argue/explain every word and sentence. It took almost a week to finally decide the language around discipline. Remember, that there was no precedent before us, we were in uncharted territory.

This process was repeated over the next three months and forty plus days of meeting. By the middle of June, we had hit a wall and negotiations broke off. The company approached us to go to the Labour Board for mediation. We originally were not in favour as both sides had seasoned negotiators and we felt the Board could not offer us up anything we couldn't figure out by ourselves. The company convinced us that this process was needed to help sway their board and offer up more money.

We attended mediation in late July. Immediately we realized that the company had duped us and wanted not to help sway their board of directors rather they wanted us to concede. Further, the mediator assigned to us was confrontational with our committee and so on the third day we decided to kick the mediator out and proceeded to bargain with the company directly. At the end of the week we believed we had the makings of a deal on the table. The date of Friday August 13th was set to finalize the agreement. Much to our dismay and anger, the company pulled the deal off of the table, no counter offer, just a hard no.

We immediately held meetings with our members and at the end had a massive endorsement to go out on strike to achieve a fair collective agreement. The Labour Board was still tied to the bargain because of the mediations so we had to wait for the report from the mediator to be endorsed by the Vice Chair.

Before this was ruled on, the company gave us a final offer that addressed most of our concerns. Leading up to this vote, our team put a masterful presentation together to help our members understand the nuances and implications of a very comprehensive first agreement. The vote was held after the unveiling of the agreement. We had overwhelming acceptance of this agreement which attests to the work we did in getting the best deal for everyone.

Special thanks need to be extended to our team. Tina Sebert and her incredible note taking skills, Dan Paolozza for his thoughtful analytics, Curtis Ager for keeping us all grounded during this tumultuous time, Jimmy Gregor for his belief that we can make this happen and soulful presence, Adam Gibson for his leadership, strength and conviction, and Rod Gallant for almost everything, he has been a huge part of our success to date as well as into the future.

I have learned so much during this endeavor and thank each of you for the above reasons but also for the myriad of things I did not put down on paper. This has been my proudest achievement of my union career. One that never could have happened without the hard work and dedication shown by all.

Gary Fiege, National President



SHOP STEWARDS' CORNER

Last issue we gave an overview of the Shop Steward's course and the role of the Shop Steward. We will be looking at setting up some training in the New Year!

As you have read in some of the preceding reports, unfortunately, grievances happen in the workplace. The Shop Steward plays a key role in ensuring union members concerns are being heard and dealt with fairly and successfully.

Here are some top tips to remember while performing Shop Steward duties:

1. Listen Carefully	5. Keep it Professional	9. Don't Act Independently
2. Take Notes	6. Communicate Carefully	10. Keep Members in the Know
3. Ask Questions	7. Don't Make it Personal	
4. Don't Ignore Grievances	8. Anticipate	

Tips 1, 2 and 3 are at the top for a reason. These will be of utmost importance should your grievance go to trial. In some cases, your notes could end up all the way at the Supreme Court. Use tips 1 and 3 to assist with your note taking.

By Todd Smith, PPWC First Vice-President



FROM OUR LOCALS

LOCAL 26:



Out and About at Carpenter Pass with fellow Local 26 members!

Sept. 25 - The sun was shining and the larch trees were glistening their golden colours! Great company, many laughs, amazing photos and memories! Getting outdoors for some physical activity makes us feel great!



Photo of PPWC members Jenny, Beth, Crystal, Rachel and dog Ozz

RAND FORMULA

On January 29, 1946, Justice Ivan Rand of the Supreme Court of Canada handed down an influential arbitration award that became a defining feature of Canadian labour law.

The “Rand Formula,” as it was to be known, established that employers would have to deduct dues from all unionized employees’ paycheques and forward those funds back to the union (the “union dues checkoff”). This provided unions in Canada the necessary funds to enforce collective bargaining contracts, organize, fund programs and services to its members, and advocate for the rights of their members in the social and political arenas.

Before this time, union representatives would have to physically locate each worker on a regular basis and personally ask for dues. Most workers would pay, with an understanding that they benefitted from belonging to a union and having an collective agreement. But some wouldn’t, creating the “free rider problem,” a kind of market failure where those who benefit from a service (in this case, a union and collective bargaining) do not pay for them. One can imagine how much conflict this would create in some unions.

Although Rand and his formula didn’t come easy or out of thin air. It was the result of decades of labour struggle. After all, many unions in the United States had achieved something similar to the union dues checkoff years earlier. But it was during the bitter United Automobile Workers union strike at the Ford plant in Windsor in 1945 that the so-called “union shop,” requiring all workers to join the union, was at stake.

Huge barricades of workers’ cars and trucks were assembled at the plant in November of that year. An estimated 2,000 vehicles reinforced the Autoworkers picket line and prevented a violent assault by a joint force of Ontario Provincial Police (OPP) and Royal Canadian Mounted Police (RCMP) officers. Later, the federal Liberal government of Prime Minister King began preparing armoured tank units at CFB Borden to break through the picket lines.

But even the ruling corporate elite and Liberal government distinctively remembered from the 1919 Winnipeg General Strike that workers returning from war in Europe had attained a particular set of skills when it came to defending themselves, and with weapons, if necessary.

Rand was well aware of this and fashioned a compromise. In his arbitration decision, he decided that although the Autoworkers could not have their union shop, workers falling under the bargaining unit – whether they were members or not – would have to pay dues to the union. This protected the freedom of association of each individual, while also eliminating the free rider problem.

This made clear economic sense. In a mostly capitalist economy like Canada’s, people have to pay for the majority of goods and services. We pay for goods like food, clothing, and housing, as well as services like transportation, entertainment, and modern communications technologies like our phone, TV and internet. Benefitting from a service like a collective agreement is no different.

There is a cost involved in that process, and someone has to pay for it.

The Rand Formula, or modifications of it, became a model for labour relations in Canada, adopted in numerous collective agreements in the decades that followed. Some provinces even gave it legal force in provincial labour codes.

Although Rand himself became a kind of labour union legend after his death in 1969, it’s important to understand the real individual he was. A graduate of Harvard Law School, he was named Attorney General of New Brunswick in 1924, and later appointed to the Supreme Court of Canada in 1943 on the recommendation of Prime Minister King.

“Rand was no radical, and in many ways, not even a progressive, especially considering his bigoted and intolerant views of French Canadians, Catholics and Jews. Even so, Rand also struck down racist property laws, acknowledged the rights of Japanese Canadians who were being interned as “enemy aliens” during World War II, and even protected the rights of free speech of the Communist Party of Canada when it was banned under the War Measures Act.

Today, he is referred to by many as one of the greatest and most influential judges in our country’s history. As Historian William Kaplan said of Rand, “He had a first rate mind but a third rate temperament.”

Since the Rand Formula became part and parcel of Canadian labour law, Big Business groups and corporate lobbyists have been trying to chip away at it for decades. They argue that it provides unions with too much financial influence and organizational capacity.

These powerful organizations, supported by Corporate Canada’s leading figures, understand all too well that dismantling the Rand Formula would severely limit unions’ abilities to organize, provide member services, protect workers’ rights and advocate for those rights on a political level. And that would only help to defeat unions at bargaining tables across the country and fatten corporate bottom lines.

The bosses know that when they set the rules, the game is over before it begins. We owe an enormous thanks and never-ending gratitude to the brave Autoworkers union in Windsor, and the countless other labour activists from even decades before, who fought for the union dues checkoff and the financial independence and stability it provided for unions throughout the country.

This is why despite Rand’s personal flaws, his ruling 75 years ago is worth defending at all costs. It provided millions of workers in Canada with collective bargaining coverage, higher wages, stronger benefits and pensions, paid vacations, safer and healthier workplaces. On a grander scale, it meant less inequality, exploitation and poverty throughout Canada for decades after World War II.

And even 75 years later, that’s always worth fighting for.

Sincerely,

Kelly Johnson
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*The PPWC wishes
you and yours a
happy, healthy holiday*



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